

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT CHATTANOOGA

CYNTHIA BYNUM,

Plaintiff,

v.

OLD NAVY, LLC, d/b/a OLD NAVY
STORE, and OLD NAVY STORE,

Defendants.

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No. 1:19-cv-00219-JRG-SKL

ORDER

Before the Court is a Motion to Amend Name of Defendant in Caption of Case and Court Record [Doc. 12], filed by The Gap, Inc., d/b/a Old Navy LLC (“The Gap”). According to the motion, The Gap is the proper defendant in this case, not the entities named in the complaint, which are “Old Navy, LLC, d/b/a Old Navy Store, and Old Navy Store.” The Gap requests the improperly named entities “be dismissed from this case and stricken from the Court’s record moving forward.” [*Id.* at Page ID # 44].

The Gap filed the answer in this case, on August 1, 2019, and indicated at that time it was the correct defendant, and not “Old Navy, LLC, d/b/a Old Navy Store and Old Navy Store” [Doc. 6 at Page ID # 18]. Also, Plaintiff did not respond to the instant motion, and the time for doing so has passed. *See* E.D. Tenn. L.R. 7.1.

Accordingly, the unopposed motion [Doc. 12] is **GRANTED** and Plaintiff is **ORDERED** to file an amended complaint naming only the correctly named defendant in both the body and style of the amended complaint within **SEVEN DAYS** of entry of this order. *See* E.D. Tenn. L.R. 15.1 (“Any amendment to a pleading [shall] reproduce the entire pleading as amended and may not incorporate any prior pleading by reference.”).

Upon the filing of a proper amended complaint, the improperly named defendants will be deemed dismissed from the case, and the Clerk shall remove them removed from the caption of the case.

SO ORDERED.

ENTER:

s/ Susan K. Lee

SUSAN K. LEE
UNITED STATES MAGISTRATE JUDGE